

**BEFORE THE  
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Filed Against:

Case No.: VN-2008-872

**REMITHA ODEN**  
7000 Boxwood Drive, #808  
Fort Worth, TX 76120

**DEFAULT DECISION  
AND ORDER**

Vocational Nurse License No. VN 117661

Respondent.

Remitha Oden ("Respondent") was served Accusation No. VN-2008-872; Statement to Respondent; Notice of Defense form; copies of Government Code sections 11507.5, 11507.6 and 11507.7; and Request for Discovery by both first class and certified mail on June 19, 2009 at her address of record as provided in sections 11503 and 11505 of the Government Code of the State of California.

Respondent failed to file a Notice of Defense within the time specified in Government Code section 11506.

The Board of Vocational Nursing and Psychiatric Technicians ("Board") has determined that Respondent has waived her rights to a hearing to contest the merits of the Accusation and that the Board will take action on the Accusation without a hearing, pursuant to Government Code section 11520.

The Board makes the following findings of fact:

**FINDINGS OF FACT**

1. Teresa Bello-Jones, J.D., M.S.N., R.N., made and filed the Accusation solely in her capacity as the Board's Executive Officer.
2. On September 14, 1983, the Board issued Vocational Nurse License Number VN 117661 to Respondent. Said license expired on November 30, 2006.
3. Pursuant to Business and Professions Code section 2875, the Board may discipline any licensed vocational nurse for any reason provided in Article 3 of the Vocational Nursing Practice Act.

1           4. Pursuant to Business and Professions Code section 118(b), the expiration of a  
2 license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the  
3 period within which the license may be renewed, restored, reissued, or reinstated. Under Business  
4 and Professions Code section 2892.1, the Board may renew an expired license at any time within  
5 four years after the expiration.

6           5. Respondent has subjected her license to discipline under Business and  
7 Professions Code section 2878.8, in that Respondent's license was disciplined by the Arizona State  
8 Board of Nursing, as described in Accusation No. VN-2008-872, a copy of which is attached as  
9 Exhibit "1" and incorporated by reference.

10          6. Respondent has subjected her license to discipline under Business and  
11 Professions Code sections 2878(a) and 2878.5(b), on the grounds of unprofessional conduct, in that  
12 Respondent tested positive for cocaine, a controlled substance and dangerous drug, without a valid  
13 prescription. Respondent's use of cocaine, a controlled substance and dangerous drug, was to an  
14 extent or in a manner dangerous or injurious to herself, any other person, or the public, and would  
15 impair her ability to conduct with safety to the public the practice authorized by her license, as  
16 described in Accusation No. VN-2008-872.

17          7. Respondent has subjected her license to discipline under Business and  
18 Professions Code section 2878(a), for unprofessional conduct, in conjunction with California Code  
19 of Regulations, title 16, sections 2518.6(b), 2518.6(c), and 2521(c), in that Respondent failed to  
20 adhere to the standards of the profession when she failed to abstain from the use of cocaine, a  
21 controlled substance and dangerous drug, and in that Respondent committed acts substantially  
22 related to the qualifications, functions or duties of a licensed vocational nurse which to a substantial  
23 degree evidence her present or potential unfitness to perform the functions authorized by her license  
24 in a manner consistent with the public health, safety, or welfare by using cocaine, as described in  
25 Accusation No. VN-2008-872.

#### 26                                   DETERMINATION OF ISSUES

27           Based on the foregoing Findings of Fact, Respondent has subjected her license to  
28 discipline under Business and Professions Code sections 2878(a), 2878.5(b), 2878.8, and California

1 Code of Regulations, title 16, sections 2518.6(b), 2518.6(c), and 2521(c).

2 **LOCATION OF RECORD**

3 The record on which this Default Decision is based is located at the Sacramento office  
4 of the Board of Vocational Nursing and Psychiatric Technicians.

5 **ORDER**

6 **WHEREFORE**, the Board of Vocational Nursing and Psychiatric Technicians makes  
7 the following order:

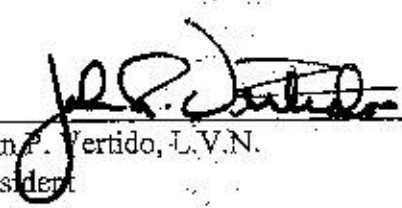
8 Vocational Nurse License Number VN 117661 authorizing Respondent to act as a  
9 vocational nurse is hereby revoked.

10 Respondent shall have the right to petition for reinstatement of the aforesaid license  
11 pursuant to the provision of section 2878.7(a)(1) of the Business and Professions Code.

12 Respondent shall not be deprived of making any further showing by way of  
13 mitigation; however, such showing must be made directly to the Board of Vocational Nursing and  
14 Psychiatric Technicians, 2535 Capitol Oaks Drive, Suite 205, Sacramento, California, 95833 prior to  
15 the effective date of this Decision.

16  
17 This Default Decision shall become effective on October 8, 2009.

18 Dated and signed September 8, 2009.

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21   
22 John P. Vertido, L.V.N.  
23 President  
24  
25  
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27 Attachments: Exhibit "1", Accusation No. VN-2008-872 and Declaration of Service  
28

Exhibit "1"  
Accusation No. VN-2008-872 and Declaration of Service

JUN 19 2009

Board of Vocational Nursing  
and Psychiatric Technicians

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Facsimile: (213) 897-2804  
*Attorneys for Complainant*

BEFORE THE  
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. VN-2008-872

REMITHA ODEN,  
aka REMITHA KAY ODEN,  
aka REMITHA ABAIR,  
aka REMITHA MARTIN,  
aka REMITHA WILLIAMS  
7000 Boxwood Drive, #808  
Fort Worth, Texas 76120  
Vocational Nurse License No. VN 117661

ACCUSATION

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.

2. On or about September 14, 1983, the Board of Vocational Nursing and Psychiatric Technicians (Board) issued Vocational Nurse License No. VN 117661 to Remitha Oden, aka Remitha Kay Oden, aka Remitha Abair, aka Remitha Martin, aka Remitha Williams (Respondent). The Vocational Nurse License expired on November 30, 2006, and has not been renewed.

## JURISDICTION

3. This Accusation is brought before the Board, Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

## STATUTORY PROVISIONS

4. Section 118, subdivision (b), provides, in pertinent part, that the expiration of a license shall not deprive the Bureau jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under section 2892.1 of the Code, the Bureau may renew an expired license at any time within four years after the expiration.

5. Section 2875 provides, in pertinent part, that the Board may discipline the holder of a vocational nurse license for any reason provided in Article 3 (commencing with section 2875) of the Vocational Nursing Practice Act.

6. Section 2878 states, in pertinent part that "[t]he Board may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for . . . (a) Unprofessional conduct . . ."

7. Section 2878.5 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Vocational Nursing Practice Act] it is unprofessional conduct for a person licensed under this chapter to do any of the following:

....

"(b) Use any controlled substance as defined in Division 10 of the Health and Safety Code, or any dangerous drug as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public, or to the extent that the use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license. . . ."

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1 (c) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
2 violation of, or conspiring to violate any provision or term of Chapter 6.5, Division 2 of the  
3 Business and Professions Code. . . .”

#### 4 COST RECOVERY

5 11. Section 125.3 provides, in pertinent part, that the Board may request the  
6 administrative law judge to direct a licensee found to have committed a violation or violations of  
7 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
8 enforcement of the case.

#### 9 CONTROLLED SUBSTANCE / DANGEROUS DRUG

10 12. Cocaine, and any cocaine base, is a narcotic drug according to Health and  
11 Safety Code section 11019(e). It is a Schedule I controlled substance, as designated in Health and  
12 Safety Code section 11054(f)(1), and a Schedule II controlled substance, as designated in Health  
13 and Safety Code section 11055(b)(6). It is categorized as a dangerous drug according to Business  
14 and Professions Code section 4022.

#### 15 ARIZONA STATE BOARD OF NURSING

16 13. On or about September 19, 2008, in a disciplinary action entitled In the Matter of  
17 Practical Nurse License No. LP040622 issued to Remitha Kay Oden, aka Abair, Martin,  
18 Williams, Respondent before the Arizona State Board of Nursing, in Consent Agreement and  
19 Order No. 0703009, the Board placed Respondent's license on thirty-six-months probation  
20 pursuant to certain terms and conditions. The Consent Agreement and Order is now final and  
21 incorporated herein by reference as if fully set forth. The underlying findings of fact are:

22 a. On March 5, 2007, while working on the multi-state privilege of her Arizona practical  
23 nurse license in the State of Texas and in a pre-employment drug screen, Respondent tested  
24 positive for cocaine.

25 b. On and between July 17, 2007, and September 12, 2007, Respondent was in a  
26 rehabilitation program for treatment of cocaine dependence.

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28 ///



1 c. On or about June 23, 2008, Respondent underwent a substance abuse evaluation and  
2 was recommended to complete intensive outpatient treatment for having a history of alcohol,  
3 cannabis, and cocaine use.

4 d. On July 18, 2008, Respondent completed a Texas Drug Offender Education Program  
5 in Ft. Worth, Texas.

#### 6 **FIRST CAUSE FOR DISCIPLINE**

##### 7 **(Disciplinary Action by Another State, Agency or Licensing Board)**

8 14. Respondent is subject to disciplinary action under section 2878.8, in that on or about  
9 September 19, 2008, Respondent's license was disciplined by the Arizona State Board of Nursing  
10 pursuant to Consent Agreement and Order No. 0703009. Complainant refers to and by this  
11 reference incorporates the allegations set forth above in paragraph 13, subdivisions (a) – (d),  
12 inclusive, as set forth in whole.

#### 13 **SECOND CAUSE FOR DISCIPLINE**

##### 14 **(Unprofessional Conduct, Dangerous Use of Drugs)**

15 15. Respondent is subject to disciplinary action under sections 2878, subdivision (a), and  
16 2878.5, subdivision (b), on the grounds of unprofessional conduct, in that on or about March 5,  
17 2007, when Respondent took a practical nurse, pre-employment drug screen, she tested positive  
18 for cocaine, a controlled substance and dangerous drug, without a valid prescription.  
19 Respondent's use of cocaine, a controlled substance and dangerous drug, was to an extent or in a  
20 manner dangerous or injurious to herself, any other person, or the public, and would impair her  
21 ability to conduct with safety to the public the practice authorized by her license. Complainant  
22 refers to and by this reference incorporates the allegations set forth above in paragraphs 13,  
23 subdivisions (a) – (d), and 14, inclusive, as set forth in whole.

#### 24 **THIRD CAUSE FOR DISCIPLINE**

##### 25 **(Unprofessional Conduct)**

26 16. Respondent is subject to disciplinary action under sections 2878, subdivision (a), for  
27 unprofessional conduct, in conjunction with California Code of Regulations, title 16,  
28 (Regulation), as follows:

1 a. Regulation 2518.6, subdivisions (b) and (c), in that Respondent failed to adhere to the  
2 standards of the profession when on or about March 5, 2007, she failed to abstain from the use of  
3 cocaine, a controlled substance and dangerous drug.

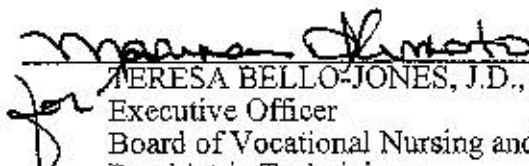
4 b. Regulation 2521, subdivision (c), in that Respondent committed acts substantially  
5 related to the qualifications, functions or duties of a licensed vocational nurse which to a  
6 substantial degree evidence her present or potential unfitness to perform the functions authorized  
7 by her license in a manner consistent with the public health, safety, or welfare by using cocaine,  
8 as set forth above in paragraphs 13, subdivisions (a) – (d), through 15, inclusive, as set forth in  
9 whole.

10  
11 **PRAYER**

12 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
13 and that following the hearing, the Board issue a decision:

- 14 1. Revoking or suspending Vocational Nurse License No. VN 117661, issued to  
15 Respondent;  
16 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and  
17 enforcement of this case, pursuant to Business and Professions Code section 125.3; and  
18 3. Taking such other and further action as deemed necessary and proper.

19  
20 DATED: June 19, 2009

21   
22 TERESA BELLO-JONES, J.D., M.S.N., R.N.  
23 Executive Officer  
24 Board of Vocational Nursing and  
25 Psychiatric Technicians  
26 Department of Consumer Affairs  
27 State of California  
28 Complainant

25 LA2009602432  
26 60415175.doc  
27 5/7/2009dmm

**DECLARATION OF SERVICE BY CERTIFIED MAIL  
AND  
DECLARATION OF SERVICE BY FIRST CLASS MAIL**

Case Name: In the Matter of the Accusation Against:  
Remitha Oden

Case No.: VN-2008-872

I declare:

I am employed in the County of Sacramento, California, I am 18 years of age or older and not a party to the within entitled cause; my business address is 2535 Capitol Oaks Drive, Suite 205, Sacramento, California 95833-2945.

On June 19, 2009, I served the attached:

ACCUSATION, STATEMENT TO RESPONDENT, REQUEST FOR DISCOVERY  
NOTICE OF DEFENSE (2 COPIES), AND COPY OF GOVERNMENT CODE SECTIONS  
11507.5, 11507.6 AND 11507.7.

in said cause, by placing a true copy thereof enclosed in two separate sealed envelopes with postage thereon fully prepaid by Certified Mail and First Class Mail, in the United States mail at Sacramento, California, addressed as follows:

NAME/ADDRESS

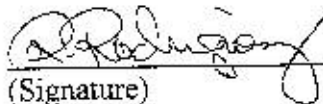
CERTIFIED MAIL NUMBER

Remitha Oden  
7000 Boxwood Drive, #808  
Fort Worth, TX 76120

7008 1140 0004 5691 4741

I declare under penalty of perjury the foregoing is true and correct, and that this declaration was executed at Sacramento, California on June 19, 2009.

Regina Rodriguez  
(Typed Name)

  
(Signature)

cc: Scott J. Harris, Deputy Attorney General